

OFFICE OF LEGISLATIVE RESEARCH
PUBLIC ACT SUMMARY



PA 18-127—HB 5477

Judiciary Committee

AN ACT CONCERNING STATE V. MCCAHERILL

SUMMARY: This act eliminates an obsolete provision from a law on post-conviction release on bond of defendants awaiting sentencing or appeal. Removing the provision conforms to a case in which the Connecticut Supreme Court held the language to be unconstitutional.

The case involved a statutory prohibition on courts from releasing on bail anyone convicted of any offense involving the use, attempted use, or threatened use of force. The court held that this provision unconstitutionally violated the separation of powers because it significantly interfered with the Superior Court's judicial role (*State v. McCahill*, 261 Conn. 492 (2002)).

The act removes the unconstitutional language from the law. It retains a provision that prohibits courts from releasing on bail anyone convicted of murder, murder with special circumstances, felony murder, or arson murder. (In *McCahill*, the court noted in dicta that this provision does not interfere with the Superior Court's role.)

EFFECTIVE DATE: Upon passage